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**FAX COVER SHEET****Fax Date: June 2, 2006****Right Fax No.: (571) 273 - 8300****Total number of pages faxed including this cover sheet: 8****Response To Office Action****From: Joseph E. Funk, Attorney for Applicant****Phone No.: (603) 432 - 8788****Fax No.: (603) 421 - 2779****To Examiner: Steven M. Marsh****Phone No.: (571) 272 - 6819****Group Art Unit: 3632****Applicant: Donald Tilton****Serial No.: 10 / 840,012****Filed: May 6, 2004****Title: Baluster Hanger****Response to first Office action (7 pages)****This fax cover sheet (1)**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Donald Tilton  
Serial No.: 10 / 840,012  
Filed: May 6, 2004  
Title: Baluster Hangar

Date: June 5, 2006  
Group Art Unit: 3632  
Examiner: Steven M. Marsh

HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231

**RESPONSE TO FIRST OFFICE ACTION**

This response is to a first Office action dated March 17, 2006.

The Examiner first objects to the claims 1 and 2 in that the word "hangar" should be "hanger". The applicant has amended claims 1 and 2 to change all appearances of the word "hangar" to "hanger".

The Examiner's same objection to the word "hangar" also applies to the title of the application. By way of this amendment the applicant would like to change the title of the application from "Baluster Hangar" to "Baluster Hanger". Please have this change made to the records in the patent office.

The Examiner next rejects claims 1 and 2 under 35 USC 112 "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.". Continuing, the Examiner states that:

"In claim 1, Applicant recites the limitations "furthest from the hook and" "nearest the hook" for the first and third cross rods, respectively. However, Applicant does not clarify what the rods are nearest and furthest to the hook with respect to. Claim 2 claims the apparatus of a hanger in the preamble, but then claims the steps of a process of attaching the hanger to the sides of balusters. It is unclear whether Applicant is attempting to claim a baluster or a method for mounting a baluster. Claim 2 also recites the limitation "the balusters" and "the first cross bar" in the 1st and 2nd sentences. There is insufficient antecedent basis